FOR MYSORE STATE

tt. II-27—104,006—4-11-52.

Rev (1952) Department.

Ms. SERIES.

G.O. NO. 615

Dated 3/3/52

VILLAGE OFFICERS - Karnam - (South Kanara) - Mangalore Taluq Thumbe taraf - Sri P. Vasudevayya - Dismissal in 1921 for political reasons - Restoration - Report submitted.

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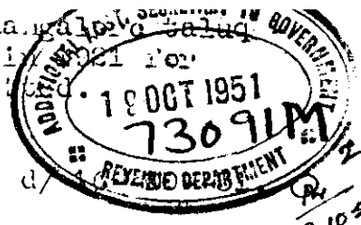

Station: M a d r a s. B.P.Rt. 6936. d/ 19-10-51

From

Sri A.F. Mascarenhas, I.A.S., Secretary, Board of Revenue.

Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

....

Read: 1. South Kanara Collector's L.Dis.16529/51 d/10.7.51.
2. South Kanara Collector's Ref.C.No.A1.16407/51-1 dated 21--7--51.
3. South KanaraCollector's Ref.C.No.A1.16407/51.3 dated 11--9--51.

...

RESOLUTION:

Submitted to the Government for orders.

2. The facts of the case are the following: Sri P. Vasudevayya, the shanbogue of Thumbe taraf was dismissed with a bar order by the Revenue Divisional Officer, Managalore in 1921 as he tendered resignation to the office in deference to the non-cooperation resolution of the congress (Mangalore Revenue Divisional Officer's R.Dis.9/1921 dated 10-3-21). On a petition put in by the son of the dismissed karnam, the collector of South Kanara in his D.Dis.2259/21 V1 dated 30-5-1921 cancelled the bar order. On 30-7-21 Venkataraо, the son of P.Vasudevayya was registered as minor karnam of the village. Venkataraо subsequently forfeited his right to the office by remaining unqualified even after his 21st year and his son Vausdeva was registered as minor karnam of the village on 22-9-34. P.Vasudevayya was appointed on 19-11-34 as Deputy on behalf of the registered minor. On appeal by S.Venkatappayya, the deputy to the previously registered minor, the Collector of South Kanara in his D.Dis.639/34 dated 15-5-35 set aside the appointment of ~~Munuda Venkatappa~~ Venkatappayya as Deputy Karnam. P.Vasudevayya claimed in 1949 the following reliefs:

(1) a right to nominate a deputy Shanbogue of his choice for Thumbe taraf.
(2) payment of salary due to him from the date of his resignation (in 1921) and
(3) assignment of land.

3. As he was a political sufferer he was assinged 10 the acres of land (relief No.(3)). There is no provision to grant reliefs (1) and (2). The proper relief open to a village officer who lost his office for reasons connected with the political movement is restoration to the office under Sect on 2 of the Madras Restoration of Village Officers Validation Act XVIII of 1939. He now requests that his son P.Gopalarao may be appointed as karnam of Thumbe taraf or if this is not possible, he himself may be appointed. P.Vasudevayya lost one of his eyes in 1942 when he was the victim of a lathi charge on congress workers. He is reported to be 69 years old now and infirm. The Deputy Tahsildar Buntwal has reported that he may be not be able to discharge the duties of a Karnam satisfactorily. His first son's son is the present registered minor Karnam of Thumbe taraf.

for Secretary.

To the Secretary to Government, Revenue Department.
Madras with (1) Mangalore Revenue Divisional Officer's Dis. 9- 3/21.
(2) Mangalore Revenue Divisional Officer's Dis. 19-3/21.

(3) Mangalore Revenue Divisional Officer's -R.Dis.2907/34.
(4) do. R.Dis.4501/34.
(5) .do. R.Dis.2119/35.
(6) do. D.Dis. 554/49.
(7) Open file o.GF. pages 1 - 18

Copy to the Collector of South Kanara District.

Copy of the letter No.L.Dis.16529/51 dated 10/7/51 from the Collr.of South Kanara.

Sub: Village officers- Karnam- Mangalore taluk Thumble tarf- P.Vasudevayya dismissed for non co.op.movement in 1921 - claim for pay etc., petition reminder submitted

Read: From Sri Vasudevayya petition dated 10/6/1951

I enclose the petition cited above. It has been addressed to the Hon'ble Minister for Home Affairs, Govt. of India New Delhi and is a reminder to his original petition dated 8-1-49 , a copy of which received here was submitted to the Board with Collector's Ref.A1.11231/49 dated 31-12-49 and disposed of in Board's L.Dis.A.192/50 dated 27-2-50-. No reference or orders have been received so far in this office on his original petition dated 8-1-49 sent by him direct to the Home Ministry Govt.of India New Delhi.

2. An extent of 10.00 of dry land has been sanctioned to the petitioner who is a political sufferer. This satisfies one of the 3 reliefs mentioned in his petition dated 8-1-49. He wants pay from the date of his dismissal if rules permit. There is no provision to grant this request.

/true copy/

Copy of the petition received from Sri Vasudevayya dated 10/6/51

Sub : Government Servants- dismissed for taking part in politics. salary requested.

Ref: My application dated 8/1/49 and subsequent enquiries connected with it such as N.Dis.1463/49 of the Dt.Collr.South Kanara

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I was a Government village officer- On my taking active part in the non-coperation movement in 1921 held by Mahatmaji . I was dismissed from service. Since then I had the opportunity of taking further active part in national movements.

2. The Government in the year 1948 had published to pay the salary and other emoluments to the dismissed or resigned Government servants . But my request remains unheared for so far. My economic position is growing worse.

3. The Govt.of Madras has assigned a plot of ten acres of dry land .I have no money to make it cultivable or improve it in any way. I request you to do the needful and disburse me the salary, if rules permit, at an early date.

In anticipation of your early favourable order

/true copy /

For Secretary.

BY REGISTERED POST

Ref.C.No.Al. 16407/51-1 South Kanara Collector's Office,
Mangalore, dated 21-7-1951.

From

Sri A.R. Rajaratnam, B.A., Collector of South Kanara.

To The Secretary to the Board of Revenue, Land Revenue,
Chepauk, Madras.

Sir,

Sub:- Village Officers - Karnam - South Kanara District Mangalore Taluk - Thumbe Tarf - appointment - special concession to political sufferers - instructions Solicited.

Sri Pathumudi Vasudevaya the permanent Karnam of Tumbe Tarf in Mangalore Taluk till 1921 resigned his post in 1921 in order to support the non-cooperation movement against the Government. He was dismissed from service by the Revenue Divisional Officer Mangalore and his family was debarred from being appointed to the post during his lifetime. The father of the dismissed Karnam appealed to the Collector and the ban on the appointment of the members of his family was removed. The son of the dismissed karnam was registered as the permanent karnam. In 1934 he forfeited his post as he failed to qualify himself. His minor son was registered and the dismissed Karnam was appointed as deputy to the minor. A stranger to the family was then acting as Karnam in this tarf against the desire of the dismissed karnam and the members of his family. When the dismissed Karnam was appointed as deputy to the minor registered in 1934 the acting Karnam appealed against the order. The Collector did not appreciate the reasons for the reappointment of the dismissed karnam who had deserted his post in the noncooperation days and appointed a stranger as deputy shanbhogue. This stranger continues to this day as deputy shanbhogue of Tumbe tarf.

2. The dismissed karnam has been agitating for the various kinds of relief which the Government announced from time to time to political sufferers. Some of them were dealt with in this office report to the Board Ref.Al.11231-49 dated 31-12-1949 on which the Board in its L.Dis.A.192-50 dated 27-2-1950 said that no action was necessary. He has however been granted land just like other political sufferers. His one request was that he should be given a right to appoint a deputy of his choice. He has since modified this request and wants one of his sons (P. Gopal Rao) i.e., the yonger brother of the minor registered in 1921 to be appointed as the permanent Karnam. This Goapl Rao is a fully qualified hand and there are no other qualified persons in the family. The present registered minor is reported to be 18 years old but not yet qualified himself. There is however 3 years' time for him to pass the tests and join the post.

3. The dismissed Karnam was appointed as a Deputy Potail in some other village of Mangalore Taluk in 1931 after the General pardon then given to persons involved in Civil disobedience movement. He continued as deputy potail till 1934 when he was appointed as deputy Karnam to his grandson. But he could not work as a Karnam as the order was set aside in appeal by the then collector as stated in para 1 above. In 1940 the Government ordered the restoration to office of village officers who had resigned their posts for political reasons

reasons but the dismissed Karnam in this case does not appear to have moved in the matter. It is only since 1949 that he has been agitating for this and the other concessions.

4. In the ordinary course of events there is the registered minor (grand son of the dismissed Karnam) who can qualify himself andjoin the post. He is now 18 years old and is a student in a College. It is doubtful whether he will qualify himself and/join the Karnam's post. The strangerwill therefore continue as deputy till the registered minor comes of age and makes a decision. In the meantime it is for consideration whether in view of the fact that the dismissed Karnam lost his job for political reasons and that the post has remained in the hands of a stranger for more than 25 years, a qualified hand in the family of the dismissed Karnam can be appointed as a deputy, or permanently ousting the existing deputy who is a stranger. I solicit instructions in the matter.

5. The following records are enclosed.

(1) Mangalore Revenue Divisional Officers' Dis. 9- R/ 21.
(2) -do- Dis.19 - R/21.
(3) -do- R. Dis.2907/34 —
(4) -do- R.Dis.4501/34.
(5) -do- R.Dis.2119/35.
(6) -do- D. Dis.554/49.
(7) Open file Cf. Pages - 1 - 18.

Copy of the letter No.Ref.C.No.Al.16407/51-3 dated, 11-9-1951.

Sub: Village Officers: Karnam - (South Kanara) - Mangalore Taluk Thumbe tarf - Sri P.Vasudevayya - dismissal in 1921 for political reasons reemployment - further report - submitted.

Ref: Board's Ref.No.A.3449-51-1 dated, 22-8-1951.

The Deputy Tahsildar Buntwal reports that Sri P. Vasudevayya is aged 69, that he is infirm and that he may not be able to discharge the duties of a Karnam satisfactorily. I do not consider that he is suitable to be restored to the Karnam's office. He is, however, willing to be appointed as Karnam if his son Sri P. Gopal Rao (Petitioner in my Ref.Al.16407/51-1 dated 21-7-1951) cannot be appointed as Karnam. His statement with a translation in English is enclosed.

-:-

TRANSLATION.

Of statement dated 7-9-1951 of Sri S. Pathumudy Vasudevayya recorded by the Revenue Inspector Panemangalore.

Heard Collector's Ref.Al.16407/51-2 dated 29-8-1951. I am able to take up the post of Karnam of Thumbe tarf and discharge the duties satisfactorily. But my son P. Gopal Rao has filed a petition on 31-12-50 for the post and as already agreed to by me I have no objection to his being appointed as Karnam. I, therefore, request that he xxx may be appointed as Karnam. If this - is not possible, I request that I may be appointed in the post.

Sd/- P. Vasudevayya.

Revenue Department.

Memo No. 73091 M/51-1 dt. 21-11-1957.

Village Offices - Karnam (South Kanara) - Mangalore Taluk Tumbetarf - Sri P.Vasudevayya - Dismissal for political reasons - Restoration - Request.

From the Board of Revenue BP.RT-6936, dated 16th October 1951.

From the records submitted with the Board's ~~reference~~ Resolution quoted above, it is seen that in 1921, when Sri P. Vasudevayya, the Shanbogu of ~~Tumbe~~ Thumbe tarf resigned his office, his son, Sri Venkata Rao who was a minor at that time was registered for the office and a Deputy was appointed. Again in 1934 when Sri Venkata Rao, the registered minor failed to qualify himself even though he was 25 years of age, ~~he~~ he was declared to have forfeited his claim for the Office and his son Sri Vasudeva ~~was registered for Office~~ who was a minor at that time was registered and the Deputy was allowed to continue. This shows that the Office of Shanbogu of ~~Tumbetarf~~ Thumbe tarf was treated as hereditary. According to B.S.O. 156-(1) Village Offices in the South Kanara District ~~is~~ are non-hereditory and non-statutory. The Office in question cannot therefore, be regarded as hereditary. ~~The question has been raised whether the office of is hereditory or non-hereditory.~~ The Board is requested to examine ~~the question and offer its remarks.~~ and report whether the Office in question is hereditary or non-hereditary. If it is non-hereditary, there is no proposal

2. The records sent with the Board's reference quoted above are returned for re-submission with its reply.

Revenue Department
Subject.

M 3014-52
22 JAN 1952
REVENUE DEPARTMENT

8

Village Officers - South Kanara- practice of following hereditary principle of succession and registering minors -Report Submitted.

Reference no.A. ~~2734~~.5723.51.3.

Station;Madras. d/17-1-1952.

FROM
Sri A.F.Mascarenhas. I.A.S., Secretary, Board of Revenue

... ...

Sri W.R.S. Sattianathan.I.C.S., Commissioner of Land Revenue

...

FOURTH ASSISTANT SECRETARY TO GOVT
21 JAN 1952
REVENUE DEPARTMENT

Read: Government memo no.73091.M.51.2. Revenue d/21.11.51.

Reference

With reference to the Government memorandum cited above, the Board submits that the system of following hereditary principles in respect of succession to village offices and registration of minors as village officers has been in vogue in South Kanara district for about a century The question of abolishing the system had been considered by the Board now and then but the idea was given up . The Board invites the attention of the government to the following records viz.

1.B P.Mis.no.105 d/11-1-1899.
2. do 3857 d/13-12-37.
3. do 2910 d/18.10.38.
4. do 133 d/12-1-39.
5. do 177d/18.1.40.

In the last case the Collector of South Kanara pointed out some difficulties in registering minors and appointing deputies and wanted a change of the system. But the Board declined to do this and ordered that the system should continue . Thus though the Village officers Acts II of 1894 and III of 1895 do not apply to the village officers in South Kanara district, the registration of minors has been the recognised practice there.

For Secretary, Board of Revenue.

To The Secretary to Government, Revenue Department
with records as per list.

1. B.P.Mis. 105 d/11.1.1899.
2. do 3857 d/13.12.1937.
3. do 2910 d/18.10.38.
4. do 133 d/12.1.1939.
5. do 177 d/18.1.40.
6. Mangalore rev.Dvl.Officers D Dis.9.R.21.
7. Mangalore Rev. Dvl.Officers Dis.19.R.21.
8. do do R.Dis. 2907.34.
9. do do R.Dis.4501.34.
10. do do R.Dis.2119.35.
11. do do D.Dis.554.49.
12. open file of pages 1-18.

[C.No. T3091-M/51] Read From the Bd of Rev B.P.Rt. 6936 dt
Govt. Memo No. T3091-M/51-1 dt 21.11.51
From the Bd of Rev Ref No. A-5723-51.3 dt 17.1.5

G.O.Ms No. 615 dt 5.3.52

The Govt. have examined the following requests of Sri P. Vasudevayya, the dismissed shanbogue of Thumbe taraf, Mangalore taluk, S. Kanara dt
(i) that he may be allowed to nominat a deputy of his choice;
(ii) that he may be paid salary from the date of his resignation; and
(iii) that he may be granted assignme of land.

Request(i) Sri P. Vasudevayya has subsequently modified this request. He wants that his son, Sri P. Gopala Rao may be appointed as Karnam of Thumbe taraf or if this is not possible, he himself may be appointed. The Govt. are not prepared to comply with his request.

Request(ii) The Govt. agree with the Bd of Rev that there is no provision to grant the relief.

Request(iii) As Sri Vasudevayya has already been ~~granted~~ assigned land, this request does not arise now.

3. The Board is informed that the practice of registering minors in the S. Kanara district which has been in vogue for more than a century need not be disturbed now

To

The Secretary to the Government,
Revenue Department
M a d r a s.

P. Gopal Rao son of P.Vasudevayya of Manchi village, Mangalore Taluk, South Kanara District, Post Office Manchi.) Memorialist

Most Respectfully Sheweth,

That the memorialist being highly aggrie by the enclosed order of the Collector of South Kanara R.Dis.16407/51 dated 15.3.52 rejecting his petition for appointment as Shanbhogue of Thumbe Taraf of Bantwal Sub-Taluk, Mangalore Taluk, begs humbly to approach the present Government with this memorial with the fervent hope that the benign Government will redress the great injustice done to him and his family

2. That the memorialist submits that his father P. Vasudevayya was the permanent Shanbhogue of Thumbe Taraf till 1921 in which year the said P. Vasudevayya was dismissed from service for his political activities in the Civil Disobedience Movement started that year by the Congress in addition to his conviction and sentence of imprisonment for six months.

3. That the memorialist submits that in the order of dismissal of his father, there was also the clause debarring the family from claiming the post, but the memorialist's grand-father appealed against this ban order to the Collector who was pleased to set aside the ban order in his Proceedings Dis.No.2259/21 dated 30.5.1921 so that the post was registered in the name of the memorialist's elder brother Venkat Rao who was a minor at the time and as Venkat Rao who went for higher studies forfeited the post his minor son Vasudeva Rao was registered for the post.

P.T.O.

4. That the memorialist submits that in the first place it was quite essential to restore his father to the post under the Gandhi-Irwin Pact effected soon after the C.D. movement of 1931; but some how or other this question was shelved and this came up only after his father and himself claimed the post either for himself or his father and the justice of the claim of his father must have been acknowledged by the Board of Revenue as the Board of Revenue was pleased to direct the Collector to ascertain if the memorialists's father was physically fit and whether he was willing to be re-instated to the post in its Ref.No.A-3449-7 dated 22.8.51 and though his father clearly gave a statement that he was willing to join the post in case the post could not be conferred on the memorialist, strange to say neither his father nor the memorialist has been appointed to the post but on the other hand the memorialist received the present order rejecting his petition and his father also received a similar order of the Collector R.Dis.16407/51 dated 15.3.52 informing that the Government have declined to comply with his request to nominate a deputy of his choice &c.

5. That the memorialist submits that he is at a loss to know how the Government dealt with the question of re-instatement of his father and why he was not re-instated as originally proposed by the Board of Revenue. If he was found unfit to do the work, there was nothing to prevent the authorities from passing the order of re-instatement and asking him to resign in which case the memorialist becomes the rightful claimant to the post by right of succession as his elder brother Venkat Rao is already employed elsewhere and his son the present registered minor Vasudeva Rao now aged 18 is also unable to claim the post on account of his higher studies.

6. That the memorialist who is the only fully

qualified person in the family is thus the best claimant to the post so that it is a wonder why this bare justice was not done to him.

7. That the memorialist finds from the Collector's order that the Collector rejected his petition on account of Government Order G.O.Ms.No.615 Rev dated 3.3.52 quoted in the preamble of the order. The memorialist suspects that the former Government seems to have shelved the most important question of re-instatement of his father as it is the barest justice on the part of the Congress Government to give his father his job back and then ask his father to resign if he is found unfit in which case the post has to be conferred on the memorialist as represented above.

8. That the memorialist therefore prays that t present Government which just assumed office consequent on the adult franchise elections may be graciously pleased to re-open the question and pass favourable orders of re-instatement of his father to enable the memorialist to get the post on his father's resignation.

9. That the memorialist submits that his family has been set out from functioning as Shanbhogue ever since his father's dismissal in 1921 and the post is now held by a stranger S. Venkappaya as Deputy though he was not nominated by any of the members of the family of the memorialist as required by the rules. As the memorialist who has already qualified himself to join the post is anxious to function as such immediately the memorialist prays that the benign Government may be graciously pleased to issue urgent orders to that effect.

For which act of kindness and justice the memorialist will ever pray

Pathrudu Gopala Rao

Memorialist.

Marchi
Dated 21.5.1952.

Memo No. 33716-M/52-1 dt 12.6.52 Rev. Dept

Village Officers - Shanbogue (S. Kanara)
Mangalore taluk - Thumbe taraf - Appointment
From Sri P. Gopala Rao petn dt 21.5.52

The petitioner is informed that his request to re-instate his father, Sri P. Vasudevayya as shanbogue of Thumbe taraf, Mangalore taluk, S. Kanara dt cannot be complied with.

10/6/52

P. Gopala Rao s/o P. Vasudevayya, Manchi village, Manchi P.O Mangalore taluk, S. Kanara dt.

Revenue Department.

Village Officers:-Karnam--(South Kanara) - Mangalore Taluk Thumbetarff. - Sri P. Vasudevayya - Dismissal for politics reasons - Restoration - Proposal.

From the Board of Revenue, BP.Rt.6936 dated 16-10-1951.

To A.S.

Please see the Board's resolution and its enclosures at pp.1-6 c.f.

Sri P. Vasudevayya, Shanbogu (Karnam) of Thumbetarf, Mangalore Taluk, S.K. Dt. was on leave for two months from 24-12-1920. In the first week of March 1921, he resigned his office stating that he was doing so in deference to the Congress resolution. In his proceedings No.9-R/21 dated 10-3-1921, the R.D.O., Mangalore dismissed him from service with a bar Order that no person from the family of the dismissed Officer should be appointed during the life time of the dismissed Officer. ~~In that vacancy one Sri R. Babu Rao was appointed to act as deputy~~. On appeal by H. Venkataramanayya, a son of Sri P. Vasudevayya, the Collector in his D.Dis.2259-21 dated 30-5-1921 passed order setting aside the portion of the Divisional Officer's Order prohibiting any member of the dismissed Karnam's family from holding the appointment during the life-time of the dismissed Officer

In Dis.19-R/21, dated 30-7-1921, the R.D.O. ~~appointed~~ registered Sri Venkata Rao, the minor son of the dismissed Karnam ~~as the permanent Karnam~~ and allowed Sri R. Babu Rao to act as Deputy. In 1934, as Sri Venkata Rao failed to join duty even though he was 25 years old and to pass the prescribed tests the question of making a permanent appointment to the post was considered. In September 1934, the R.D.O. passed orders declaring Sri Venkata Rao to have forfeited his claims to the appointment and registered his minor son, Vasudevayya as heir to the Karnam's post. At the same time, the R.D.O. ordered that a suitable Deputy for the minor should be appointed and that till

such time the existing Deputy should continue.

In November 1934, the dismissed Karnam Sri Vasudevayya was appointed as Deputy for the registered minor, namely Vasudeva, replacing Sri Venkatapayya, the Deputy who was previously acting since 1924. The Collector, however, on appeal by Sri Venkappayya the existing Deputy set aside the R.D.O's order and restored Sri Venkappayya as Deputy. In 1949 Sri P. Vasudevayya, the dismissed Karnam put in a petition in which he made the following requests:

1) that he might be allowed the right to nominate a Deputy of his choice;

2) that he might be paid salary from the date of his resignation; and

3) that he might be granted assignment of land.

In connection with these requests the Board has addressed the Govt. As Sri Vasudevayya was assigned 10 acres of land request No.3 does not arise. In regard to request No.2, the Board has stated that there is no provision to comply with this request. The Board's view may be concurred in.

Request No.1 is the one which has to be consid The areas where village Officers are non-hereditary and non statutory are specified in B.S.O.156-1, According to this B.S.O.the village offices in S. Kanara district are non-hereditary and non-statutory. These offices are not governed either by Act II of 1894 or Act III of 1895. But in making appointments to these offices in the District the hereditary principle should, as far as practicable, be followed, i.e the nearest heir of the last office-holder, if qualified is appointed and if there is no suhh qualified heir, any person who is considered suitable is appointed. There is no provision for the registration of a minor son of the las office-holder as in the case of hereditary Offices to which Act II of 1894 or Act III of 1895 applies. It is therefore not clear how on the dismissal in 1921 of Sri P. Vasudevayya, his son Sri Venkata Rao who was then a minor was registered

for the Office and a Deputy was appointed for him. Again in 1934 when Sri Venkata Rao failed to qualify himself and joined the post within three years after attaining majority, his minor son Vasudeva was registered for the Office and the Deputy was allowed to continue. It will be seen that the Office was treated as hereditary. The question for consideration is whether the Office of Shanbogu of Thumbe tarf is hereditory or non-hereditory. If the Office is hereditary and Act III 1895 applies, the registration of the minor Vasudeva will be in order. And if he qualified himself within three years after attaining majority he will have a claim for the post and his claim should be allowed if he is willing to join the post. In that case the existing deputy who has been in office from 1924 and who is a stranger will have to be ousted. It is stated that Sri Vasudeva is now 18 years of age and is studying in a College and that it is doubtful whether he will join the post.

In 1938 the Government ordered that the Village Officers who were dismissed on account of their connection with the Non-Cooperation or Civil Disobedience Movements should be restored to their old posts. The Board of Revenue was asked to enquire and report on the applications for reinstatements. Sri P. Vasudevayya the dismissed Karnam did not apply for restoration to the post of Karnam. It is only since 1949 that he has been making the request that his son Sri P. Gopal Rao who is qualified should be appointed Karnam of the Village and that if it is not possible to comply with his request, he should be restored to the Office of Shanbogu which he resigned in 1921. Sri Vasudeva has lost one eye and is now aged 69 years. He is reported to be infirm and not able to discharge the duties of Karnam. It is therefore not possible to restore the dismissed Karnam. If he is not restored, the result will be that the existing Deputy who is a stranger and who has been acting as Deputy from 1924 will continue.

for the reasons stated by him in paras 6 and 7 of his reference dated 7-6-1951, is in favour of appointing Sri P. Gopal Rao as the Permanent Karnam, treating his father Sri Vasudevayya, the dismissed Karnam as the last Office holder. The Collector, however, seems to favour the appointment of Sri Gopal Rao only as a Deputy ousting the existing Deputy, till the last registered minor Sri Vasudeva, comes of age and makes a decision as to whether he will hold the office of Karnam. The Board has stated that there is no provision to grant the request of Sri Vasudevayya, the dismissed Karnam, that he should be allowed the right to nominate a Deputy of his choice. The Board is apparently inclined to allow the existing Deputy to continue till the registered minor Sri Vasudeva comes of age and claims the office. Before examining the case, it seems better to ascertain from the Board how the office of Karnam of Thombetarf has been tre as hereditory while according to B.S.O 156(E), village Offices in the South Kanara District are non-hereditory and non-statutory. Subject to orders a draft memo ~~order~~ is submitted for approval.

To A.S.

Please see the memo. on p.7 c.f. and the Bd's reply thereto on p.8 c.f.

The village offices in S.Kanara dt. are non-hereditary and non-statutory. However, the principles of hereditary succession including registry of minors and appointment of deputies are being observed rigidly for over a century from 1833. The history of this practice is traversed below:--

The hereditary principle ~~does~~ not seem to have been originally recognised in S.Kanara dt. before the East India Company assumed control of the dt. in 1799. In 1833, the Collr. proclaimed that thenceforward the office of headman and karnam would be considered as hereditary. In 1841, the Board laid down that although the village offices in S.Kanara were not hereditary, it was generally advisable to treat them as such whenever a proper person could be selected from the family of last incumbents. In 1864, it was declared that village offices in S.Kanara were as a rule hereditary but that in the case of dismissal for misconduct or ~~forfeiture of~~ when there are no heirs, a new family should be selected. This was partially modified in 1868 and it was ordered that an innocent member of the family upon whom the dismissed officer was not likely to exercise any influence should not be disqualified from succeeding to the office. It was also remarked that village offices were not hereditary by law in the dt. but good policy required that the hereditary principle should be followed as far as efficiency of admn. permitted in order that the value of the office ~~may~~ might be enhanced as far as possible and that the services of men of good social standing whom the emoluments of the office alone would not attract, ~~may~~ might be secured. In 1892. the Collr. of S.Kanara pointed out the difficulty ~~of~~ in following the hereditary principle and suggested its abrogation. But the Bd. resolved to retain it in a modified form, i.e.,the heir of the last permanent incumbent ~~would~~ would be entitled to succeed unless he ~~is~~ was clearly unfit to hold the office. On the introduction of the Hereditary Village Offices Act III of 1895, the Board held that in dealing with matters of appointments, ~~and~~ punishments etc. of village off

in non-hereditary districts, the procedure applicable to hereditary dts. shd. as far as possible, be followed except as regards the institution of suits and the registration of minors. Against this ruling, the Collr. of S.Kanara specifically pointe out that the registration of minors was a time-honoured practic in that dt. and enquired whether it was the Bd's intention to abolish it. In its B.P.105, dated 11-1-1899, the Board recognised the practice of registration of minors in the S.Kanara dt. This question was examined again by the Bd. in 1937. It held that it was unnecessary to change the practice unless the hereditary principle ~~is~~ was abolished throughout the Presidency. In March 1939, the Collr. of S.Kanara suggested that the practice might be abolished - vide para 4 on pp.2-4 c.f. of B.R.Mss.177 dated 18-1-40. But the Board turned down the Collr's suggestion and allowed the practice to continue. Thus it will be observed that the convention of registering minors in S.Kanara dt. has been in vogue for more than a century. ~~In as much as the Govt. have also acquiesced in this principle vide discussions on pp.52-59 of G.O.Ms.No.2097, Rev., d/9-6-18~~ It may be mentioned in this connection that in other non-hereditary and non-statutory areas, e.g., Salem, Trichinopoly, Tanjore, the Nilgiris etc., minors are not registered. Though in other respects hereditary principles are followed. Inasmuch ~~as much~~ as the Govt. have also acquiesced in this principle - vide discussions on pp.52-59 of G.O.Ms.No.2097, Rev., d/9-6-18 it does not seem necessary to disturb the time honoured practice now. For orders.

2. Subject to orders on 'A' above, the case in the file is examined below. The facts of the case are:--

Sri P.Vasudevayya, Shanbogu (Karnam) of Thumbetane, Mangalore Taluk, S.K.Dt. was on leave for two months from 24-12-20. In the first week of March 1921, he resigned his office stating that he was doing so in deference to the Congress resolution. In his proceedings No.9-R/21 dated 10-3-1921, the R.D.O., Mangalore dismissed him from service with a bar order that no person from the family of the dismissed officer should be appointed during the lifetime of the dismissed officer. On appeal by H.Venkataramanayya, a son of Sri P.Vasudevayya, the Collector in his D.Dis.2259-21 dated

30-5-1921 passed orders setting aside the portion of the Divisional Officer's order prohibiting any member of the dismissed karnam's family from holding the appointment during the life-time of the dismissed Officer.

In Dis.19-R/21, dated 30-7-1921, the R.D.O. registered Sri Venkata Rao, the minor son of the dismissed karnam and allowed Sri Babu Rao to act as Deputy. In 1934, as Sri Venkata Rao failed to join duty even though he was 25 years old and to pass the prescribed tests, the question of making a permanent appointment to the post was considered. In September 1934, the R.D.O passed orders declaring Sri Venkata Rao to have forfeited his claims to the appointment and registered his minor son, Vasudeva as heir to the karnam's post. At the same time, the R.D.O. ordered that a suitable Deputy for the minor should be appointed and that till such time the existing Deputy should continue.

In November 1934, the dismissed karnam, Sri Vasudevayya, was appointed as Deputy for the registered minor, namely, Vasudeva, replacing Sri Venkatapayya, the Deputy who was previously acting since 1924. The Collector, however, on appeal by Sri Venkatappayya the existing Deputy set aside the R.D.O's order and restored Sri Venkatapayya as Deputy. In 1949, Sri P.Vasudevayya, the dismissed karnam put in a petition in which he made the following requests:--

1) that he might be allowed the right to nominate a Deputy of his choice;
2) that he might be paid salary from the date of his resignation and
3) that he might be granted assignment of land.

In connection with these requests the Board has addressed the Govt. As Sri Vasudevayya has already been assigned 10 acres of land request No.3 does not arise now. In regard to requests No.1 and No.2, the Board has stated that there is no provision to comply with this request. The Board says that the proper relief open to a village officer who lost his office for reasons connected with the political movement is restoration to the office under Section 2 of the Madras Restoration of Village Officers Validation Act, 1939.

In 1938, the Government ordered that the Village Officers who were dismissed on account of their connection with the Non-Co-operation or Civil Disobedience Movements should be restored to their old posts. The Board of Revenue was asked enquire and report on the applications for reinstatement. P.Vasudevayya the dismissed Karnam did not ~~now~~ then apply for restoration for the post of ~~karnam~~ Karnam. Only in 1949 he made a move in the matter. At first he wanted a nominee of his to be appointed as Deputy. Subsequently he has changed his request. He wants that his younger son Sri P.Gopal Rao who is qualified should be appointe karnam and that if it is not possible to comply with his request he (the petr) may be appointed to the post. The R.D.O. for the reasons stated by him in paras 6 and 7 of his reference dated 7-6-1951, in favour of appointing Sri P.Gopal Rao as the permanent karnam, treating his father Sri Vasudevayya, the dismissed karnam as the last office holder. The Collector, however, seems to favour the appointment of Sri Gopal Rao only as a Deputy ousting the existing Deputy, till the last registered minor Sri Vasudeva comes of age and makes a decision as to whether he will hold the office of karnam. The Board has stated that there is no provision to grant the request of Sri Vasudevayya, the dismissed karnam, that he should be allowed the right to nominate a Deputy of his choice. The Board is apparently inclined to allow the existing Deputy to continue till the registered minor, Sri Vasudeva, comes of age and claims the office; According to B.S.O. 148(9) a Deputy once appointed should not be dismissed merely because the minor's family expresses a preference for someone else. The Board's view at M' above may therefore be concurred in. Under the Madras Restoration of Village Officers (Validation Act 1939), the petitioner or his heirs or any other person who in the ordinary course of events would have succeeded to the office or is entitled to be registered thereto is eligible or appointment or registeration to the office

The petitioner is reported to be infirm (having lost one eye and being aged 69 years) & not fit for doing the duties of the karnam. Hence he cannot be restored to the office. As regards his heir, the heir ~~in the ordinary course~~ who in the ordinary course would have succeeded to the office is already registered as minor. The

present registered minor is reported to be 18 years. If he gets qualified for the post within 3 years he can assume the office. ~~As~~ Gopal Rao, the petitioner's younger son, is not lawfully entitled for appointment to the Office. In the circumstances, the ~~petitition~~ request does not seem to deserve any consideration. For orders whether the Board may be informed accordingly.

For orders on A onpbanc, B onp & anc + C above. HM(LR) may perhaps see.

(In this connection, it is ~~pointed out~~ submitted that there seems to be a mistake in the name of the present regd. holder. TheR.D.O's report shows that Sri Vasudeva, S/O Venkata Rao, is the regd. holder whereas the ~~the~~ ~~grandofficial type~~ on p.7 c.f. of (A), the R.I's report at M on p.11 of (A) and Tahr's report at N on p.15 of (A) show that Sri Chandrasekhara Rao, S/O Venkata Rao is the regd. holder. However, this discrepancy does not affect the ~~case~~ issue in question ~~very much~~ and it may be ignored.)

Apparently Chandrasekhara Rao is another name for vasudeva

A on p.6, B on p.8 + C above & the above

S/ 5/2/52

28/2/52

S. M. 20/2

3/4/52

O.M. is not necessary

To A.S

A draft (x) order is submitted for approval. ~~To be filed Contain~~

S/ 1/3/52

28/2/52

26/3/52

Village Officers - Shanbogue - (D.Kanara) Mangalore taluk - Thumbe taraf - Appointment From Sri P. Gopala Rao petn dt 21.5.52.

To AS

Please see the petn. and encl. on pp 1-4 c/f. The facts of the case are as follows:-

Sri P. Vasudevayya Shanbogue of Thumbe taraf, Mangalore taluk, S.Kanara dt was on leave for 2 months from 24.12.20. In the first week of March 21, he resigned his office stating that he was doing so in deference to the Congress resolution. In his proceedings dt 10.3.21, the R.D.O., Mangalore dismissed him from service with a bar order that no person from the family of the dismissed officer should be appointed during the lifetime of the dismissed officer. On appeal, the Collr. passed orders setting aside the portion of the Divisional Off. order prohibiting any member of the dismissed Karnam's family from holding the appointment during the lifetime of the dismissed officer. The R.D.O registered Sri Venkata Rao, the minor son of the dismissed Karnam and allowed Sri R. Babu Rao to act as deputy. In 1934, as Sri Venkata Rao failed to join duty even though he was 25 years old, the R.D.O. forfeited his claims and registered his minor son, Vasudeva as heir to the Karnam's post. In Novr. 1934, the dismissed Karnam Sri Vasudevayya was appointed as deputy for the registered minor namely, Vasudeva, replacing Sri Venkatapayya, deputy who was previously acting since 1924. Collr., however, on appeal by Sri Venkatapayya restored Sri Venkatapayya as deputy. In 1949 Sri P. Vasudevayya, the dismissed Karnam, put in a petition requesting that his nominee should be appointed as deputy. Subsequently he change his request and wanted his younger son

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P. Gopala Rao, (i.e. the petnr) who is qualified, should be appointed as Karnam and that if it was not possible to comply with his request he/(Sri P. Vasudevayya) should himself be appointed to the post. The request of the dismissed Karnam was examined with the connected records. The Govt. declined to comply with his request. In pursuance of the orders of Govt the petn (Sri P. Gopala Rao) has approached the Govt. again.

The petnr. urges that his father Sri P. Vasudevayya should have been re-instated, and that if he was found unfit to do the work, there was nothing to prevent the authority from passing the order of re-instatement and asking him to resign in which case the petnr. becomes the rightful claimant to the post by right of succession. Attention is solicited to the notes at Z on pp 8-9 of Ga at (R). As the petnr's father, Sri P Vasudevayya was reported to be infirm (having lost one eye and being aged 69 years) and not fit for doing the duties of the Karnam, it was considered that he could not be restored to office. There seems to be no point in appointing him and then asking him to resign immediately simply to oblige the petnr. The office is still in the family of the dismissed Karnam. The present regd. holder who is the grandson of Sri P Vasudevayya, is reported to be 18 years. If he gets qualified within 3 years, he can assume office. Otherwise, the office will go to the next legal heir. It has been considered that Sri Gopala Rao (petnr) is not lawfully entitled for appointment to the office. In the circumstances, it is for orders whether the petnr. may be informed that his request cannot be complied with.

3 Subject to orders, a draft memo is submitted for approval [After issue the papers may be stitched with the file at (R)]

31.5.52

4.6.52

10/6/52

11/6/52